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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SUBRAMANIAN, NARAYANSWAMY

ART UNIT PAPER NUMBER

3624

DATE MAILED: 05/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/621,946

Applicant(s)

DILIP ET AL.

Examiner

Narayanswamy Subramanian

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ML

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 52-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 52-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. 15.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to applicants' communication filed on January 16, 2004. Amendments to claims 1-9 and newly added claims 52-71 have been entered. Claims 1- 10 and 52-71 are currently pending and have been examined. As agreed in the attached interview summary, the notice of non-responsive amendment (Paper No. 14) is withdrawn by the Examiner. The rejections and response to arguments is stated below.

Claim Rejections - 35 USC § 101

2. Claims 1-9, 52-70 of the invention are directed to non-statutory subject matter. Amended claims 1-9 and the new claims are drawn to a computer-implemented method for analyzing a plurality of asset accounts having a common account holder that is not tied to any technological art. Claims 1-9, 52-70 are directed to non-statutory subject matter because they lack any recitation of technology in the body of the claims, which is required in order to meet the statutory requirements. Hence the rejections made under 35 USC § 101 in the last office action (Paper No. 11) is maintained.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-10 and 52-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ray et al (US Patent 6,018,722) in view of et al (US Patent).

With reference to claim 1, Ray teaches a computer-implemented method comprising: analyzing a first financial account associated with a first financial institution; analyzing a second financial account associated with a second financial institution wherein the first financial account and the second financial account have a common account holder; determining whether an adjustment of assets among the first financial account and the second financial account would benefit the account holder; and generating a recommendation describing the adjustment of assets if the adjustment would benefit the account holder. (See Ray Column 2 lines 40-48, 61-63, Column 2 line 66 – Column 3 line 3, Column 3 lines 19- 25 and claims 2-4, 9). Mutual funds held in an individualized portfolio are interpreted to include a first financial account associated with a first financial institution and a second financial account associated with a second financial institution.

With reference to claims 2-5, Ray teaches the steps wherein analyzing a first financial account includes analyzing an interest rate associated with the first financial account (See Ray Column 2 lines 16-19); identifying best available market interest rates for similar financial accounts (inherent in Ray claims 3-4 because returns for fixed income accounts are the interest rates), identifying a best interest rate among a plurality of asset accounts (inherent in Ray claims 3-4) and recommending opening a new financial account if available market interest rates for similar financial accounts are better than interest rates associated with the first financial account and the second financial account (inherent in Ray claims 3-4). The step of opening a new financial account is the same as buying a mutual fund not included in the current portfolio.

With reference to claim 6, Ray teaches method as recited in claim 1 wherein the first financial account is associated with a first type of financial institution and the second financial

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account is associated with a second type of financial institution (Inherent in the disclosure of Ray) There are different types of Mutual funds like Money market funds, Equity funds, Fixed Income funds, Hedge funds, Muni funds etc, each of which constitute a different type of financial institution.

With reference to claims 7-10, Ray also teaches recommending adjustment of assets among the plurality of asset accounts if such an adjustment would increase the interest earned by the account holder; offering to perform the recommended adjustment of assets (See Ray claim 5) transferring assets from the first financial account to the second financial account (See Ray claim 9) and one or more computer-readable memories containing a computer program that is executable by a processor to perform the method recited in claim 1 (inherent in the computer system disclosed by Ray figure 2 and accompanying description) Selling some of one mutual fund holdings and buying more of the other implies transferring assets from the first financial account to the second financial account.

With reference to claims 52-58, Ray teaches a method as recited in claim 1 wherein generating a recommendation describing the adjustment of assets includes automatically transferring assets from the first financial account to the second financial account (See Ray Column 9 lines 31-35); automatically performing the recommended adjustment of assets if the adjustment would benefit the account holder (See Ray Column 9 lines 31-35); executing the adjustment of assets if the account holder accepts the offer to perform the recommended adjustment of assets (See Ray Column 9 lines 36-43); wherein the first financial account is a cash account and the second financial account is a cash account (Inherent in the disclosure of Ray, money market mutual funds are examples of cash accounts); identifying an interest rate

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associated with a cash account at a third financial institution (inherent in Ray claims 3-4 because returns for cash accounts are the interest rates); wherein analyzing a first financial account includes analyzing fees associated with the first financial account (See Ray Column 2 lines 15-19, performance includes consideration of fees like management fees, transaction fees); and the recommendation includes recommending to close the first financial account (See Ray claim 9) The step of closing a financial account is the same as selling all holdings of a mutual fund in the current portfolio.

With reference to claim 59, please see discussion of claim 55.

With reference to claim 60, Ray teaches a method as recited in claim 59 wherein identifying interest rates and determining whether an adjustment of assets would benefit the account holder are performed at periodic intervals (See Ray abstract last sentence).

With reference to claim 61, Ray teaches a method as recited in claim 59 further comprising identifying a best available interest rate for similar cash accounts (Inherent in Ray claims 3-5).

With reference to claim 62, Ray teaches a method of claim 59 further comprising recommending opening a new cash account if a best available interest rate for similar cash accounts is better than the interest rate associated with the first cash account and the second cash account (inherent in Ray claims 3-4). The step of opening a new cash account is the same as buying a money market mutual fund not included in the current portfolio.

With reference to claim 63, please see discussion of claim 7.

With reference to claim 64, please see discussion of claim 57.

With reference to claim 65, please see discussion of claim 53.

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With reference to claim 66, please see discussion of claim 54.

With reference to claim 67, please see discussion of claim 52.

With reference to claim 68, please see discussion of claim 58.

With reference to claim 69, please see discussion of claim 57.

With reference to claim 70, please see discussion of claim 57 (performance includes consideration of fees like management fees, transaction fees and returns like interest rates, dividends and capital appreciation)

With reference to claim 71, please see discussion of claim 10.

Response to Arguments

5. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Narayanswamy Subramanian whose telephone number is (703) 305-4878. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached at (703) 308-1065. The fax number for Formal or Official faxes and Draft or Informal faxes to the Patent Office is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

N. Subramanian
April 28, 2004

Richard Weisberger
Primary Examiner